

### **REMARKS**

Claims 1-28 are currently pending in the application. Claims 1 and 22 are amended. The amendments find support in the specification, particularly at page 11, lines 15-18. The specification is amended to correct typographical errors that would have been clear to the reader. No new matter is added.

### **APPLICANT'S INVENTION**

Applicant's invention is a patient turning and lifting device. It includes a body support 12 with an inflatable bladder 30, 32, and at least one support pad which is configured to securely position the turning bladder(s) between the patient and surface upon which the patient is lying. The turning bladder(s) can be located within pockets of the body support.

The body support can include a backpad 24, siderails 26 and saddle support 28, all of which can be inflatable.

### **Shaw (U.S. Pat. No. 6,154,900; "Shaw")**

Shaw discloses a patient turning apparatus that includes two bolsters 50, two bladders 14, and a body pad 32. Each bladder is offset from the patient's spine by about 4" (col. 4, lines 41-42), and each bladder can be placed inside a sleeve 12 for protection (col. 3, lines 40-44).

In use, the patient lies on the bladders, which are inflated in such a way as to cause the patient to be turned. The patient can lie on a body pad 32, which supports and cushions the patient's body (col. 5, lines 48-49). The body pad can be attached to the bladders 14 or sleeves 12 by VELCRO™ (col. 5, lines 57-58) to prevent movement of the body pad relative to the bladders.

Shaw does not disclose or suggest an inflatable body pad beneath the patient.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-4, 6, 8, 13, 22, 26 and 28 were rejected as anticipated by Shaw. The Office Action states that Shaw discloses a patient turning device with inflatable turning bladders 14 held within sleeves 12 that can be attached to a body pad 32 by VELCRO™.

Shaw does not disclose that the body pad can be inflatable, or that any part of the apparatus beneath the patient besides the turning bladders is inflatable. Shaw therefore cannot anticipate the subject matter of applicants' claims, and the rejection on this basis should be reconsidered and withdrawn.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 7, 14-19 and 23-25 were rejected as obvious in view of Shaw.

In cases where a single prior art reference is alleged to render the claimed invention obvious, there must be a sufficient showing of a suggestion or motivation for any modification of the teachings of that reference necessary to reach the claimed invention in order to support the obviousness conclusion. *Sibia Neuroscis., Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356, 55 U.S.P.Q.2d 1927, 1931 (Fed. Cir. 2000); *B.F. Goodrich Co. v. Aircraft Braking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996). This suggestion of motivation may be derived from the prior art reference itself, from the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. *Sibia*, 225 F.3d at 1356, 55 U.S.P.Q.2d at 1931. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 60 U.S.P.Q.2d 1001 (Fed. Cir. 2001).

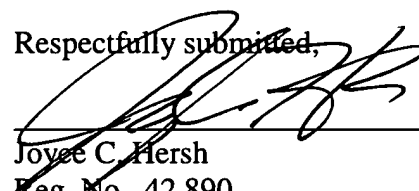
Shaw does not disclose or suggest that the body pad can be inflatable, or that any part of the apparatus beneath the patient besides the turning bladders is inflatable. The office action has pointed to no suggestion or motivation in either the reference itself, the knowledge of one of ordinary skill in the art, or the nature of the problem to be solved. Rather, the office action simply takes the position that "it would have been obvious to the skilled artisan to have made the body pad 32 of the Shaw device as an air filled bladder" (page 3 of the Office Action). This is insufficient to show suggestion or motivation.

Furthermore, the assertion that it would have been "obvious" to make the body pad 32 of Shaw inflatable does not comport with the statement at column 5, lines 49-50 that "[b]ody pad 32 is a generally rectangular pad of *substantially constant thickness*." It is well-known that inflatable pads (*e.g.*, inflatable mattresses) suffer from the problem of extremely reduced or insubstantial thickness at locations beneath weighted objects (such as a person), and increased thickness at locations not under the weight. If the body pad of Shaw were inflatable, it would not be of substantially constant thickness.

Applicants respectfully submit that a *prima facie* showing of obviousness has not been made, and that Shaw teaches away from the body pad being inflatable. The claims are therefore not obvious in view of Shaw, and applicants respectfully request that the rejection on this basis be reconsidered and withdrawn.

Applicants submit that all of the claims are now in condition for allowance, which action is requested. Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,



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